THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :25756 of 2007

DATED:07-12-2007

BETWEEN:

Surla Krishna Rao & 2 others.

..... PETITIONERS

AND

The Revenue Divisional Officer,
Visakhapatnam Division,
Visakhapatnam & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in taking steps to dispossess the petitioners from their respective property in an extent of Ac.4.33 cents in Sy.No.133/5 and an extent of
Ac.2.00 cents in Sy.No.133/part and Ac.6.06 in Sy.No.133/3 & 4 part of Paradesipalem village, Visakhapatnam Rural mandal, Visakhapatnam District, without recourse to law, as illegal, and arbitrary.

3. It is stated that the petitioner earlier filed W.P.No.3202 of 2006 and this Court by interim order, dated 20-02-2006, in W.P.M.P.3973 of 2006 directed the respondents not to dispossess the petitioners without following due process of law and the said Writ Petition was dismissed by order, dated 23-11-2006, as no further orders are necessary giving liberty to the petitioners to submit a detailed objection to the Mandal Revenue Officer with regard to the threatened action of dispossession.

4. It is further stated that the Mandal Revenue Officer issued a notice, dated 29-07-2006, under Rule 3 of the A.P.Assigned Lands (Prohibition of Transfers) Rules calling upon the petitioners to submit explanation as to why they shall not be

dispossessed alleging that the said land is an assigned land and the petitioners are in occupation of the said land in contravention of sub-Section 2 of Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act'). It is stated that the petitioners filed objection on 10-01-2007 but so far no final orders have been passed.

5. If any final orders are passed it is for the petitioners to file an appeal, but however, if no final orders are passed under Section 4(1)(a) of the Act, I am of the opinion that the respondents cannot dispossess the petitioners.

6. Having regard to the facts and circumstances of the case, 2nd respondent is directed not to dispossess the petitioners without there being any order of resumption under Section 4(1)(a) of the Act pursuant to the show cause notice, dated 29-07-2007.

7. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

07th December, 2007.

Note:

Furnish C.C. of the order
by Monday.

B/o
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